

REMARKS/ARGUMENTS

The Office Action of July 6, 2004 has been carefully reviewed and this response addresses the Examiner's concerns stated in the Office Action. All objections and rejections are respectfully traversed.

Claims 1-20 are still pending in the application. Claims 2, 10-17, and 20 have been amended to correct terminology inconsistency, but not to overcome the prior art cited by Examiner. Paragraphs 37 and 40 of the Specification have been amended to correct typographical errors. No new matter has been added.

On page 2, paragraph 2, of the Office Action, Examiner has objected to the disclosure because Examiner states that the word "the" on page 5, line 5 (paragraph 10), is informal. Applicants have herein amended the Specification, paragraph 10, to clarify the sentence. No new matter has been added.

Claim Rejections - 35 USC § 103

On pages 2-8, paragraphs 2-3, of the Office Action, Examiner has rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Boyle et al., U.S. Patent 6,119,167, (Boyle) in view of Bouvier et al., U.S. Patent 5,961,594 (Bouvier). Please note that claim 1 is the base claim for claims 2-10 and claim 11 is the base claim for claims 11-20.

Applicants respectfully point out that Examiner's cited reference, Boyle, issued September 12, 2000, was published within one year of the filing date of the present application, March 30, 2001. In addition, Applicants' provisional application, Serial Number 60/200,295, filed on April 28, 2000, upon which the present application is based, was filed before the issue date of Boyle. Applicants respectfully reserve the right to file a petition under 37 C.F.R. § 1.131 to swear behind the Boyle reference.

In order to present Applicants' position with respect to the cited references, Applicants begin by presenting information disclosed by Boyle and Bouvier. More specifically, Applicants respectfully note that Boyle discloses: (see col. 6, line 41 through col. 8, line 7)

- (1) A browser that sends a “pull” request to a proxy that translates the “pull” request into an HTTP GET request and sends the HTTP GET request to the Internet.
- (2) A proxy that inserts an HTTP request header which includes a user identification to form the GET request; the proxy can also send multiple HTTP GET requests over a single TCP connection, and the requests can have the same or different user identifications.
- (3) A server that can “push” data through the Internet to a browser as incoming data.
- (4) A messenger that receives the “push”ed data from the server and forwards it as incoming data to the browser.
- (5) Logic in the browser such that, when incoming data arrive from the messenger, if the browser contains a cached data copy of the incoming data, the browser deletes the cached data.
- (6) Data identification, in the form of URL, sequence number, and time-to-live, in the browser’s cache to keep track of whether or not incoming data are already in the browser’s cache. The sequence number is used to discard cached data if the incoming data have a higher sequence number. Additionally, if the time-to-live has passed a certain threshold, the cached data are discarded, and a new data will be pulled from the server to replace the discarded cached data.

Applicants respectfully note that Bouvier discloses a system in which a browser exchanges HTTP messages with a server through the Internet, and the server provides an interface between the browser and a network node. The network node routes messages based on the header initiated at the browser and received from the Internet.

To explain graphically, Applicants respectfully point out that Boyle and Bouvier disclose different 3-way systems than the type defined in Applicants’ claims as shown clearly in the following table:

Boyle	BROWSER → BROWSER ←	PROXY → MESSENGER ←	INTERNET INTERNET
Bouvier	BROWSER ↔	INTERNET ↔	NETWORK NODE
Applicants	BROWSER ↔	PROCESSOR ↔ REQUEST → RESPONSE ←	INTERNET

Boyle discloses intermediate processing between the browser and the Internet that translates push messages into HTTP GET messages, and can send multiple HTTP GET messages over the Internet in a single TCP connection. Bouvier discloses HTTP communications between a browser and the Internet with no intermediate processing. Applicants claim a processor between the browser and the Internet that searches a response (from the Internet to the browser) for a secure address, replaces the secure address with a non-secure address and identifying characters, records a second request as a new page, and replaces the non-secure address and identifying characters with a secure address in the second request.

With respect to claim 1, Examiner states (a-e) that:

(a) Boyle teaches push and pull techniques such that a server is programmed to push data to a data destination and to send a command to delete the data under predetermined conditions.

Contrary thereto, Applicants respectfully point out that Boyle does not teach or suggest a processor that searches a response (from the Internet) for a secure address, replaces the secure address with a non-secure address and identifying characters, records a second request as a new page, and replaces the non-secure address and identifying characters with a secure address in the second request (Claim 1).

(b) Boyle teaches a browser proxy that can send multiple requests for the same or different users over a single TCP connection (col. 2, line 67, and col. 6 lines 51-52).

Examiner further states that the data include IP secure and non-secure addresses and other characters.

Contrary thereto, Applicants respectfully point out that Boyle does not teach or suggest a processor that records a second request as a new page and replaces the non-secure address and the identifying characters with the secure address if the second request is for the non-secure address and the identifying characters (Claim 1).

(c) Boyle provides computer readable media.

Contrary thereto, Applicants respectfully point out that the presence or absence of computer readable media does not, in and by itself, negate the patentability of the present invention.

(d) Boyle fails to teach, but Bouvier teaches (col. 8, lines 36-55), about a web browser sending HTTP message to the web server including a first request and a second request in the form of a command.

Contrary thereto, the above combination is in appropriate under 35 U.S.C. 103. Applicants respectfully point out that Bouvier does not teach or suggest a processor that records a second request as a new page and replaces the non-secure address and the identifying characters with the secure address if the second request is for the non-secure address and the identifying characters (Claim 1). Neither Boyle nor Bouvier teach or suggest a processor that receives a first request from a browser, transfers the first request to the Internet, receives a response to the first request from the Internet, and transfers the response to the browser, while at the same time, searching the response for a secure address and replacing it with a non-secure address and identifying characters.

(e) It would have been obvious at the time of the invention to combine the use of pushing and pulling data in networks as taught by Boyle with the system for remotely accessing communication network nodes and monitoring each type of resource within that node disclosed by Bouvier.

Contrary thereto, Applicants respectfully point out that, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion

or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Further, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Since Boyle and Bouvier, separately or in combination, do not teach or suggest each and every element of Applicants' claim 1, either expressly or inherently, Applicants' claim 1 (as well as claims 2-10 that depend therefrom and that further define the invention) is not made obvious by Boyle and Bouvier, and a rejection under 35 U.S.C. § 103(a) is inappropriate. Applicants assert that claim 1 (as well as claims 2-10 that depend therefrom) is now in condition for allowance. Applicants respectfully request the withdrawal of rejections under 35 U.S.C. § 103(a) with regards to claims 1-10 for the reasons set forth above.

Further remarks with regard to the patentable distinctions of Applicants' claimed invention in claims 2-10 over Boyle and Bouvier follow.

With respect to dependent claim 2, which depends from independent claim 1, Examiner states (a-c) that:

(a) Boyle teaches about a unique identifier such as a hyperlink (col.7, lines 45-48). Examiner states that a hyperlink could be an embedded object in a file or document.

Contrary thereto, Applicants respectfully point out that nowhere does Boyle disclose Applicants' claimed processor (described previously, not the browser) that searches the response for embedded objects and if the response includes any of the embedded objects then the processor adds the corresponding embedded object addresses to a list. Applicants respectfully point out that the hyperlink of Boyle is an identifier in cache memory of the *browser* used to determine if the browser data are old or have been superceded.

(b) Bouvier discloses that when the response is received, the command builder analyzes it, prepares an HTML page with the response formatted in a convenient way for a human user to interpret it easily.

Contrary thereto, Applicants respectfully point out that nowhere does Bouvier disclose Applicants' claimed processor (described above) that records the second request as a new page if the second request is not for any of the embedded object addresses on the list. It is the browser of Bouvier that receives a response from the server and prepares the HTML page. Nowhere do Boyle or Bouvier describe a list of embedded object addresses in a response from the Internet.

(c) It would have been obvious to one skilled in the art to combine the use of hyperlink as an embedded object as taught by Boyle with the page preparation disclosed by Bouvier.

Applicants respectfully point out that since Boyle and Bouvier do not teach or suggest each and every element of Applicants' claim 2, either expressly or inherently, Applicants' claim 2 (and claim 3 which depends upon claim 2) is not made obvious by Boyle and Bouvier and a rejection under 35 U.S.C. § 103(a) is inappropriate. Applicants respectfully request that Examiner withdraw the rejection under 35 U.S.C. § 103(a) directed to claim 2 and find claim 2 (and claim 3 which depends upon claim 2) in condition for allowance. As stated above, Boyle and Bouvier do not substantially teach the limitations of claim 1, from which claim 2 depends, and therefore Applicants assert that claim 2 (and claim 3 which depends upon claim 2) is in condition for allowance.

With respect to dependent claim 3, which depends on dependent claim 2, which depends on independent claim 1, Examiner states that Boyle teaches a method wherein the processor (server) is programmed to clear (delete) a notification if some condition is met (col. 10, lines 47-50 and col. 7, lines 33-36).

Applicants respectfully note that, as described earlier, Boyle teaches intermediate processing (referred to as either a proxy or a messenger) between a browser and the Internet (server) that translates messages to and from HTTP, and can send multiple HTTP messages over the Internet in a single TCP connection, whereas Applicants teach

intermediate processing, referred to as a processor, between a browser and the Internet (server). Applicants respectfully point out that the server of Boyle is not equivalent to Applicants' claimed processor. Applicants claim request instructions to direct the processor to clear a list. Neither Boyle nor Bouvier teach an intermediate processor that clears a list as a result of a message generated by the browser (the request).

Since Boyle and Bouvier do not teach or suggest each and every element of Applicants' claim 3, either expressly or inherently, Applicants' claim 3 is not made obvious by Boyle and Bouvier and a rejection under 35 U.S.C. § 103(a) is inappropriate. Applicants respectfully request that Examiner withdraw the rejection under 35 U.S.C. § 103(a) directed to claim 3 and find claim 3 in condition for allowance. As stated above, Boyle and Bouvier do not substantially teach the limitations of claim 2, from which claim 3 depends, and therefore Applicants assert that claim 3 is in condition for allowance.

With respect to dependent claim 4, which depends from independent claim 1, Examiner states that Boyle extensively teaches a method to record the URL of a request (col. 11, lines 39-42, and col. 12, lines 51-52).

Applicants respectfully request that Examiner withdraw the rejection under 35 U.S.C. § 103(a) directed to claim 4 and find claim 4 in condition for allowance. As stated above, Boyle and Bouvier do not substantially teach the limitations of claim 1, from which claim 4 depends, and therefore claim 1, as well as claim 4, are in condition for allowance.

With respect to dependent claim 5, which depends from independent claim 1, Examiner states that Boyle suggests a sequence number allowing the browser to determine which version of the data is more recent, that Boyle discloses the user of the sequence number as assigned by the www service or by a link station (col. 7, line 66 through col. 8, line 12, and col. 13, lines 1-6, and col. 11, lines 9-33), and that the sequence number could be used to determine a more recent version of data so that the less recent version could be discarded.

Applicants respectfully point out that the sequence number of Boyle is maintained in the cache memory of the browser. Applicants claim a processor (not the browser) with request instructions that record a sequence of the first request and second request (from

the browser), where the processor receives first and second requests from the browser and forwards them on, after processing, to the Internet. Since Boyle and Bouvier do not teach or suggest each and every element of Applicants' claim 5, either expressly or inherently, Applicants' claim 5 is not made obvious by Boyle and Bouvier and a rejection under 35 U.S.C. § 103(a) is inappropriate. Applicants respectfully request that Examiner withdraw the rejection under 35 U.S.C. § 103(a) directed to claim 5 and find claim 5 in condition for allowance. As stated above, Boyle and Bouvier do not substantially teach the limitations of claim 1, from which claim 5 depends, and therefore Applicants assert that claim 5 is in condition for allowance.

With respect to claim 6, which depends from independent claim 1, Examiner states that Boyle suggests a messenger time-to-live concept or elapsed time (col. 10, lines 33-39, and col. 8, lines 13-16), that Bouvier teaches a first request and a second request, and that it would have been obvious to one skilled in the art to combine the use of elapsed time (time-to-live) as taught by Boyle with the first and second requests disclosed by Bouvier. Examiner states that system performance could be monitored.

Applicants respectfully request that Examiner withdraw the rejection under 35 U.S.C. § 103(a) directed to claim 6 and find claim 6 in condition for allowance. As stated above, Boyle and Bouvier do not substantially teach the limitations of claim 1, from which claim 6 depends, and therefore Applicants assert that claim 6 is in condition for allowance.

With respect to claim 7, which depends from independent claim 1, Examiner states that Boyle teaches about allowing user input, that Bouvier teaches a first request and a second request, and that it would have been obvious to one skilled in the art to combine the use of user input as taught by Boyle with the first and second requests disclosed by Bouvier. Examiner states that system response could be monitored based on specific inputs.

Applicants respectfully point out that neither Boyle nor Bouvier teach a processor, intermediate between a browser and the Internet, having instructions to record user input within a first and second request received from the browser. Since Boyle and Bouvier do not teach or suggest each and every element of Applicants' claim 7, either expressly or inherently, Applicants' claim 7 is not made obvious by Boyle and Bouvier and a rejection

under 35 U.S.C. § 103(a) is inappropriate. Applicants respectfully request that Examiner withdraw the rejection under 35 U.S.C. § 103(a) directed to claim 7 and find claim 7 in condition for allowance. As stated above, Boyle and Bouvier do not substantially teach the limitations of claim 1, from which claim 7 depends, and therefore Applicants assert that claim 7 is in condition for allowance.

With respect to claim 8, which depends from independent claim 1, Examiner states that Boyle discloses a stock quote transaction that is akin to a purchase (col. 7, lines 16-18), that in the alternative, if a stock quote is pulled, such transaction could very well be a purchase, and that user transactions enable the system to measure system performance by monitoring the transaction times and data rates.

Applicants respectfully point out that Boyle discloses pushing the results of a stock purchase from the Internet to the browser through the messenger, whereas Applicants claim a transaction, that can be a purchase from the Internet server system, used for automated testing of an Internet server system. Since Boyle and Bouvier do not teach or suggest each and every element of Applicants' claim 8, either expressly or inherently, Applicants' claim 8 is not made obvious by Boyle and Bouvier and a rejection under 35 U.S.C. § 103(a) is inappropriate. Applicants respectfully request that Examiner withdraw the rejection under 35 U.S.C. § 103(a) directed to claim 8 and find claim 8 in condition for allowance. As stated above, Boyle and Bouvier do not substantially teach the limitations of claim 1, from which claim 8 depends, and therefore Applicants assert that claim 8 is in condition for allowance.

With respect to claim 9, which depends from independent claim 1, Examiner states (a-c) that:

(a) Boyle teaches about the data comprising secure and non-secure address and Uniform Resource Locators (Table A2.5).

Applicants respectfully point out that Boyle teaches a session reply packet that includes security information such as security violation count limit, cipher confirmation, authentication handshaking, security key length, number of dispatcher Internet Protocol (IP) addresses in display list, bootstrap info (i.e. home page URL), and array of IP

addresses for dispatchers. Nowhere does Boyle teach a secure address that is exchanged with a non-secure address during processing, where the secure and the non-secure addresses are URLs.

(b) Bouvier discloses a first request, a second request, Hypertext Transfer Protocol requests and Hypertext Markup Language page (col. 8, lines 36-55, and col. 12, lines 45-49).

Applicants respectfully point out that the presence or absence of a first request, a second request, Hypertext Transfer Protocol requests, and Hypertext Markup Language page do not, in and by themselves, negate the patentability of the present invention.

(c) It would have been obvious to one skilled in the art to combine the use of pushing and pulling data in networks as taught by Boyle with the system for remotely accessing communication network nodes and monitoring each type of resource within that node disclosed by Bouvier, and such a system would provide for the efficient management of a network, reduce the use of network resources and make it faster for the client to access data.

Applicants respectfully point out that the system described by Examiner, i.e. pushing and pulling data and remotely accessing communication network nodes and monitoring each type of resource within that node, is not the system Applicants have claimed. Since Boyle and Bouvier do not teach or suggest each and every element of Applicants' claim 9, either expressly or inherently, Applicants' claim 9 is not made obvious by Boyle and Bouvier and a rejection under 35 U.S.C. § 103(a) is inappropriate. Applicants respectfully request that Examiner withdraw the rejection under 35 U.S.C. § 103(a) directed to claim 9 and find claim 9 in condition for allowance. As stated above, Boyle and Bouvier do not substantially teach the limitations of claim 1, from which claim 9 depends, and therefore Applicants assert that claim 9 is in condition for allowance.

With respect to claim 10, which depends from independent claim 1, Examiner states (a-c) that:

(a) Boyle suggests inserting an HTTP request header, which includes user identification (col. 6, lines 45-48), and that Boyle discloses breaking a header list into decks.

Applicants respectfully point out that Boyle discloses a *request* header (browser → Internet) that can include a user identification. Applicants, on the other hand, claim instructions that direct the processor to search a header in a *response* (Internet → browser) for a special instruction, and further, to record the special instruction.

(b) Bouvier discloses a first request, a second request.

Applicants respectfully point out that the presence or absence of a first request and a second request do not, in and by themselves, negate the patentability of the present invention. Further, Applicants' claim 10 does not directly refer to a first request or a second request.

(c) It would have been obvious to one skilled in the art to combine the use of header insertion and search as taught by Boyle with the first and second requests disclosed by Bouvier. Examiner states that this system would measure the effectiveness of data base search.

Applicants respectfully point out that nowhere do Boyle or Bouvier disclose or suggest searching a header that contains a special instruction in a response, i.e. in the message that comes from the Internet to the messenger or processor on its way to the browser. Since Boyle and Bouvier do not teach or suggest each and every element of Applicants' claim 10, either expressly or inherently, Applicants' claim 10 is not made obvious by Boyle and Bouvier and a rejection under 35 U.S.C. § 103(a) is inappropriate. Applicants respectfully request that Examiner withdraw the rejection under 35 U.S.C. § 103(a) directed to claim 10 and find claim 10 in condition for allowance. As stated above, Boyle and Bouvier do not substantially teach the limitations of claim 1, from which claim 10 depends, and therefore Applicants assert that claim 10 is in condition for allowance.

With respect to independent claim 11, Examiner states that Claims 11-20 do not teach or define any significantly new limitation above and beyond claims 1-10 to warrant particular treatment, and that Claims 11-20 are rejected for similar reasons as claims 1-10.

Applicants respectfully point out that, Boyle and Bouvier do not teach or suggest each and every step of Applicants' claim 11, as exemplified by the fact that Applicants' claim 11 provides the methodology supported by claim 1, either expressly or inherently. Further, the methodology of Applicants' claim 11 is also clearly not taught by Boyle or Bouvier, either singly or in combination. Therefore, claim 11 (as well as dependent claims 12-20) is not made obvious by Boyle and Bouvier and a rejection under 35 U.S.C. § 103(a) is inappropriate. Applicants respectfully request that Examiner withdraw the rejection under 35 U.S.C. § 103(a) directed to claim 11, and therefore dependent claims 12-20, and find claim 11, and therefore dependent claims 12-20, in condition for allowance.

In view of the absence from any cited reference of Applicants' claimed invention as set forth above, Applicants respectfully urge that Boyle and Bouvier, separately or in combination, are not sufficient to render the presently claimed invention obvious under 35 U.S.C. § 103.

Conclusion

Claims 1-20 are believed to be in condition for allowance. All dependent claims are believed to depend upon allowable independent claims, and are therefore also in condition for allowance.

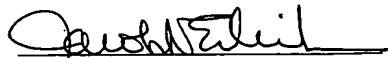
The Commissioner for Patents is authorized to charge additional fees or credit overpayment to Deposit Account No. 50-1078.

The following information is presented in the event that a call may be deemed desirable by the Examiner:

JACOB N. ERLICH (617) 854-4000

Respectfully submitted,
Jeffrey W. Kehoe et al., Applicants

Date: October 6, 2004

By: 
Jacob N. Erlich
Reg. No. 24,338
Attorney for Applicants